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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARY ANN SIVOLELLA, et al.

Plaintiffs,

vs.

AXA EQUITABLE FUNDS
MANAGEMENT GROUP, LLC,
et al.,

Defendants.

Civ. A. No. 3:11-cv-04194-PGS-DEA

GLENN D. SANFORD, et al.

Plaintiffs,

vs.

Civ. A. No. 3:13-cv-00312-PGS-DEA

Motion Return Date: October 21, 2013

AXA EQUITABLE FUNDS
MANAGEMENT GROUP, LLC,
et al.,

Defendants.

**NOTICE OF MOTION TO COMPEL
THIRD-PARTY SUB-ADVISERS TO
COMPLY WITH SUBPOENAS AND
PRODUCE THE SUBPOENAED
PROFITABILITY DOCUMENTS**

To: Jonathan M. Korn, Esq.
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Counsel:

PLEASE TAKE NOTICE that on October 21, 2013, at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for Plaintiffs Mary Ann Sivoletta, et al. and Glenn D. Sanford, et al., shall move before the United States District Court for the District of New Jersey, Clarkson S. Fisher Building and U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, for an Order compelling third-party Sub-Advisers, BlackRock Investment Management,

LLC, BlackRock Capital Management, Morgan Stanley Investment Management, Inc. and Wellington Management Company, LLP (the “Sub-Advisers”), to comply with subpoenas and produce profit and loss or other statements that contain information about the profits earned by the Sub-Advisers.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Plaintiffs shall rely upon the accompanying Memorandum of Law and Declaration of Robert L. Lakind. A form of Order is also enclosed; and

PLEASE TAKE FURTHER NOTICE that oral argument is requested in the event the motion is opposed.

Dated: September 27, 2013

/s/ Robert L. Lakind

Robert L. Lakind
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